

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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MICHAEL HENNER  
ELIZABETH HENNER,

Plaintiffs,

DECISION AND ORDER

10-CV-6129L

v.

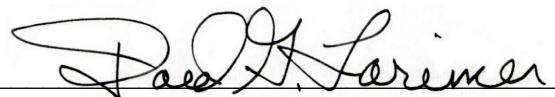
NICHOLAS D. DI CELLO,

Defendant.

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The parties having advised the Court that they have reached a tentative settlement of the claims in this case, defendant's motion to dismiss (Dkt. #5), and plaintiffs' motions for a stay (Dkt. #8) and for leave to file an amended complaint (Dkt. #17) are denied as moot, without prejudice to refiling in the event that the proposed settlement is not finalized or effectuated.

IT IS SO ORDERED.

  
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DAVID G. LARIMER  
United States District Judge

Dated: Rochester, New York  
April 20, 2011.